

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:16-CV-153-BO

RACHEL SAHOO and GOURAB SAHOO,)
)
Plaintiffs,)
)
v.)
)
JAMIE GLEATON, KITTY HART, RICHARD)
HAYNER, SWEETLY SANDERS, UNKNOWN)
JOHN DOE SUPERVISORS AND)
POLICYMAKERS 1–10, and WAKE COUNTY,)
)
Defendants.)

ORDER

This cause comes before the Court on defendant's notice of interlocutory appeal. On August 16, 2019, defendants entered a notice of appeal of this Court's order denying defendants' motion for summary judgment. [DE 144].

“The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.” *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982). Although issues remain for adjudication in this case which are not the subject of the appeal, because the interlocutory appeal concerns governmental and public official immunity, and the assertion of immunity is not frivolous, the Court in its discretion has determined that stay of the underlying proceedings in this Court is appropriate. *Apostol v. Gallion*, 870 F.2d 1335, 1338 (7th Cir. 1989); *see also Stewart v. Donges*, 915 F.2d 572, 576 (10th Cir. 1990).

Accordingly, this action is hereby STAYED pending resolution of the interlocutory appeal. The trial set for September 3, 2019 is TERMINATED. The Clerk is DIRECTED to remove this case from the Court's active docket during the pendency of the appeal. The parties shall jointly notify this Court within 10 days of the filing of the Fourth Circuit's mandate of the posture of the case and the issues which remain for adjudication.

SO ORDERED, this 19 day of August, 2019.


TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE